

# UNITED STATES DISTRICT COURT

## Northern District of California

UNITED STATES OF AMERICA

v.

Henry Cervantes  
a/k/a "Happy"

) JUDGMENT IN A CRIMINAL CASE

)

) USDC Case Number: CR-12-00792-001 YGR

) BOP Case Number: DCAN412CR00792-001

) USM Number: 02824-748

) Defendant's Attorney: John Philipsborn (Appointed)

**THE DEFENDANT:**

- ☐ pleaded guilty to count(s): \_\_\_\_\_
- ☐ pleaded nolo contendere to count(s): \_\_\_\_\_ which was accepted by the court.
- ☒ was found guilty on counts: 1, 7, 9, 10 and 21 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1962(d)	Racketeering Conspiracy	January 7, 2013	1
18 U.S.C. § 371	Conspiracy to Obstruct Justice	September 11, 2011	7
18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 2	Obstruction of Justice	September 11, 2012	9
18 U.S.C. § 844(h) and 18 U.S.C. § 2	Use of a Fire to Commit a Felony	September 10, 2011	10
21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A)	Drug Conspiracy	August 2012	21

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☒ The defendant has been found not guilty on counts: 2, 3, & 4; Counts 5 & 6 were undecided by the jury.
- ☐ Count(s) \_\_\_\_\_ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/21/2016

Date of Imposition of Judgment



Signature of Judge

The Honorable Yvonne Gonzalez Rogers

United States District Judge

Name & Title of Judge

12/22/2016

Date

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 900 months. This term consists of terms of 240 months on Counts One, Nine and Twenty-One; 60 months on Count Seven, to be served consecutively for a total term of 780 months; plus 120 months on Count Ten, to be served consecutively to all other counts, with no supervised release to follow.

- ☒ The Court makes the following recommendations to the Bureau of Prisons: that the defendant be housed in a facility as close to the Bay Area as possible.
- ☒ The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ am/pm on \_\_\_\_\_ (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ at \_\_\_\_\_ am/pm on \_\_\_\_\_ (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows\*:

- A** ☒ Lump sum payment of \$500 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☒ in accordance with ☐ C, ☐ D, or ☐ E, and/or ☒ F below); or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:  
**When incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s): \_\_\_\_\_
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, **but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.**

\* Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.